

Amendment No. 2 to HB0789

Sargent
Signature of Sponsor

AMEND Senate Bill No. 824

House Bill No. 789*

by deleting Section 7 and substituting instead the following:

SECTION 7. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following language as a new section:

(a) Public institutions of higher education are authorized to appoint the following persons as administrative judges and hearing officers to conduct contested cases under the Uniform Administrative Procedures Act:

(1) A person who is licensed to practice law and who is not employed as an attorney for the institution;

(2) A former state, county, or municipal judge or a former federal judge or magistrate;

(3) An employee of the institution who has been trained to conduct contested cases, including the training in subsection (c), but who does not provide legal representation to the institution; or

(4) An employee of another public institution of higher education who has been trained to conduct contested cases, including the training in subsection (c).

(b) An administrative judge or hearing officer appointed by a public institution of higher education pursuant to subsection (a) is subject to:

(1) The disqualification provisions of § 4-5-302; and

(2) The conflict of interest provisions of § 4-5-303.

(c) No earlier than twelve (12) months prior to hearing a contested case under the Uniform Administrative Procedures Act that involves sexual assault, dating violence, domestic violence, or stalking, an administrative judge or hearing officer shall complete

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training that satisfies the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)), and the federal regulations implementing those statutes, as amended.

(d) In lieu of appointing an administrative judge or hearing officer to conduct a contested case pursuant to subsection (a), a public institution of higher education may make a request to the office of the secretary of state to have the contested case heard by an administrative judge or hearing officer employed in the office of the secretary of state pursuant to § 4-5-301(d).

(e) Nothing in this section is intended to prohibit a student charged with a student disciplinary offense, or any other individual who has the right to a contested case hearing, from waiving the right to the hearing of a contested case under the Uniform Administrative Procedures Act; provided, that prior to waiving that right, the individual is informed in writing of the individual's rights under this section.

(f) As used in this section:

(1) "Contested case" has the meaning ascribed to that term by the Uniform Administrative Procedures Act; and

(2) "Uniform Administrative Procedures Act" means the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and rules of procedure for hearing contested cases promulgated in accordance with applicable rulemaking provisions.

AND FURTHER AMEND by deleting Section 13 and substituting instead the following:

SECTION 13. Tennessee Code Annotated, Section 49-8-115, is amended by deleting the section.

AND FURTHER AMEND by deleting Section 14 and substituting instead the following:

SECTION 14. Tennessee Code Annotated, Section 49-9-110, is amended by deleting the section.

AND FURTHER AMEND by deleting Section 16 and substituting instead the following:

SECTION 16. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2018, the public welfare requiring it, and shall apply to all contested cases that are requested on or after July 1, 2018.

AND FURTHER AMEND by deleting Section 2 and renumbering the subsequent sections accordingly.